



PATENT

ATTORNEY DOCKET NO.: SMD-135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hampl, Jr., et al.)	
)	Examiner: Dionne Walls Mayes
Serial No.: 10/618,096)	
)	Art Unit: 1731
Filed: July 11, 2003)	
)	Deposit Acct. No.: 04-1403
Title: Smoking Articles Having Reduced)	
Carbon Monoxide Delivery)	Client ID: 22827
)	
)	Confirmation No.: 4956

DECLARATION UNDER 37 C.F.R. 1.131

We, Vladimir Hampl, Jr., Alice Gu, and Kerry Mahone, declare:

1. We are the inventors of the claims of the patent application identified above and the inventors of the subject matter described therein.

2. U.S. Patent Application Publication Number 2004/0020504 of Snaidr, et al. filed Mar. 14, 2003 which claims priority to U.S. Provisional Application No. 60/364,137, filed on Mar. 15, 2002, and U.S. Patent Application Publication Number 2004/0250828 of Luan, et al. filed on June 13, 2003 were cited against the claims in the Office Action dated June 9, 2006.

3. Prior to March 15, 2002 and June 13, 2003, we reduced our invention to practice as described and claimed in the subject application.

4. As evidence of our reduction of practice prior to Mar. 15, 2002 and June 13, 2003, attached are lab notebook pages dated on Oct. 18, 23, and 26 of 2001. The attached notebook pages show that cigarette wrapper handsheets were made containing various fillers including iron oxide fillers. The handsheets were formed into cigarettes and tested using a smoking machine. The mainstream smoke was collected and analyzed for

carbon monoxide. As shown in the results, the cigarettes incorporating the handsheets containing yellow iron oxide produced lower amounts of carbon monoxide.

5. We acknowledge all statements made of our own knowledge in this declaration to be true and all statements made on information and belief in this declaration are believed to be true.

6. We further acknowledge that willful false statements and the like made in this declaration are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon.

November 9, 2006
Date

Vladimir Hampl, Jr.
Vladimir Hampl, Jr.

November 9, 2006
Date

Alice Gu
Alice Gu

November 9, 2006
Date

Kerry Mahone
Kerry Mahone

NOV 13 2006

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TRADEMARK OFFICE

194 TITLE

PROJECT NO.

BOOK NO.

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925 Ash		Ash wt. -		Ash -	
Sample wt. -					
White ①	4.142	3.537		85.4	
				85.4	
Iron Oxide ②	4.308	4.273		99.2	
Iron Oxide ①	4.127	3.592		87.0	
Albacar (18K)					
Sheet #	(2) D. Water	m 5%	% PCC	% Other	PCC Calc
Stock	Filter				Ash Calc
194-1	105	8	30.3		30-124
194-2	"	"			21-270
(V10-0288D)					
Yellow Iron Oxide (18K)					
194-3	105	8	36.7		SW-.323
194-4	103	6	29.6		AW-.1030
					SW-.291
					AW-.095
Albacar					
194-5	105	8	32.7		30-10.2
194-6	105	7	30.0		21-304
194-7	"	"			30-124
					21-270
Ultra White 90 Clay (2K)					
194-8	103	8	20.6		SW-.261
194-9	110	12	28.3		AW-.246
194-10	108	13	28.5		SW-.310
194-11	108	14	24.4		AW-.075
194-12	115	18	30.8		SW-.384
194-13	110	17	30.6		AW-.274
194-14	109	17	27.2		SW-.293
194-15	109	24	28.6		AW-.257
					SW-.319
					AW-.084
					SW-.310
					AW-.081
					SW-.160
					AW-.047
					SW-.311
					AW-.076

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Henry Kahan

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10/18/01

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Black Iron Oxide
(12K)

Sheet #	(g) Diluted Stock	ml 5% Filler	% Filler	Ash Calc	BW	Concn
95-1	105	8	38.9	SW-332 AW-1129	33.4	6.0
95-2	100	5	26.4	SW-258 AW-068	26.3	
95-3	105	6	28.2	SW-280 AW-079	28.5	6.5
					30.9	

Resistance of Solution - 17.6
Cell Constant - 0.1013

Sample	3mm	DCI
Albacor	6.238 6.121	9.77 9.96
Ultra White 90	6.233 6.269	9.78 9.72
Yellow Iron Oxide	4.856 4.702	12.55 12.97
Black Iron Oxide	6.212 6.300	9.81 9.68

Sample	Sample Ash Wt.	% Ash	% Ash
925 Ash			
Baykonal Iron Oxide	3.708	3.674	99.1
11207			
Brown Iron Oxide	3.119	3.042	97.5
B5095			
Pure Black Iron Oxide	3.676	3.617	98.4
BK-5099			

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Henry Kahane

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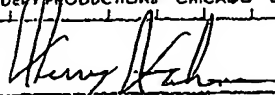
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Sample	MS	Puff	Co
5 White Flaking Ash	FW- 4006 IW- 3101 30.2 FW- 4249 IW- 3223 34.2	9, 11, 9 9, 10, 8	4.1 4.7
10 Ultra White 90 Clay	FW- 4431 IW- 3170 42.0	11, 8, 8	7.6
15 Non-Ash-black Cohesive	FW- 4486 IW- 3143 45.1	9, 9, 8	7.5
20 Y10-2288D Yellow Iron Oxide Orange Ash, Flaking	FW- 3059 IW- 3059 20.0 FW- 3826 IW- 3235 19.7	6, 6, 6 6, 6, 6	3.6 3.5
25 Black Iron Oxide Brown Flaking Ash	FW- 4440 IW- 3242 39.9 FW- 4196 IW- 3050 38.2	9, 8, 9 9, 9, 8	5.9 5.6
35			

SCIENTIFIC BINDERY PRODUCTIONS CHICAGO 00005 -MADE IN USA

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